

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

| | | |
|-------------------------------|---|-----------------------|
| DELAWARE STATE UNIVERSITY |) | |
| STUDENT HOUSING FOUNDATION, a |) | |
| Delaware Corporation., |) | |
| |) | C.A. No. 07-610 (MPT) |
| Plaintiff, |) | |
| |) | |
| v. |) | JURY TRIAL DEMANDED |
| |) | |
| AMBLING MANAGEMENT COMPANY, |) | |
| |) | |
| Defendant. |) | |

PLAINTIFF'S INITIAL DISCLOSURES
PURSUANT TO FEDERAL RULE OF CIVIL PROCEDURE 26(A)

Plaintiff Delaware State University Student Housing Foundation ("the Foundation"), by and through its undersigned attorneys, hereby makes the following disclosures, pursuant to Federal Rule of Civil Procedure 26(a)(1).

(A) Individuals likely to have knowledge of discoverable information that Plaintiff may use to support its claims or defenses, and the subjects of the information:

Response:

| <u>Individual</u> | <u>Areas of Knowledge</u> |
|---|--|
| William Blackwell Ambling Management Co. | Defendant's obligations and performance under the Management Agreements. |
| Hugh Hodge Ambling Management Co. | Defendant's obligations and performance under the Management Agreements. |
| Deena Downey Ambling Management Co. | Defendant's obligations and performance under the Management Agreements. |
| Herman Sikes Ambling Management Co. | Condition of apartments affected by mold. |
| Gary Hayes Environmental Testing, Inc. | Condition of apartments affected by mold. |

As a current employees of the Foundation or one or more of its parent, subsidiary and/or affiliate corporations, the following individuals may not be contacted, except through the undersigned counsel:

| | |
|------------------|--|
| Amir Mohammadi | Defendant's obligations and performance under the Management Agreements. |
| Richard Cathcart | Condition of apartments and defects discovered in Fall 2007. |
| Al Tunnell | Condition of apartments and defects discovered in Fall 2007. |
| Mathew Fortune | Condition of apartments and defects discovered in Fall 2007. |

(B) Documents, data, compilations and tangible things in the possession, custody, or control of Plaintiff that Plaintiff may use to support its claims or defenses:

Response:

- (1) Amended and Restated Management Agreement between the parties for the Courtyard Apartments dated January 1, 2004;
- (2) Management Agreement between the parties for the Village Apartments dated August 1, 2005;
- (3) Notice of Default directed to William Barkwell, President of the Ambling Companies, from Amir Mohammadi, President of the Foundation, dated August 17, 2007;
- (4) Notice of Termination directed to William Barkwell, President of the Ambling Companies, from Amir Mohammadi, President of the Foundation, dated September 12, 2007;
- (5) All correspondence between the parties relating to Ambling's performance under the Management Agreements;
- (6) Photographs of defects found in inspected Courtyard and Village apartments;
- (7) Environmental Testing, Inc.'s Report issued on August 21, 2007.

(C) Identities of experts and their opinions:

Response:

None to date.

(D) Insurance agreements under which any person or entity carrying on an insurance business may be liable to satisfy part or all of a judgment which may be entered in this action, or to indemnify or reimburse defendant for payments made to satisfy the judgment:

Response:

None to Plaintiff's knowledge.

(E) Statement of the basis for any damages claimed by Plaintiff:

Response:

- (1) Against defendant Ambling for breach of the Management Agreements and damages resulting therefrom in excess of \$1,500,000.00.
- (2) Against defendant Ambling for pre- and post-judgment interest on the sum of all damages awarded to the Foundation against the defendant.
- (3) Against defendant Ambling for the fees and costs incurred in asserting this action, including attorneys' fees.
- (4) Such other and further relief the Court may deem just and proper.

POTTER ANDERSON & CORROON LLP

By: /s/ Sarah E. DiLuzio

Kathleen Furey McDonough (I.D. 2395)

Sarah E. DiLuzio (I.D. 4085)

1313 North Market Street

P.O. Box 951

Wilmington, DE 19899-0951

Telephone: (302) 984-6000

Telefax: (302) 658-1192

kmcdonough@potteranderson.com

sdiluzio@potteranderson.com

*Attorneys for Plaintiff Delaware State University
Student Housing Foundation*

Dated: January 23, 2008

841204/32346

CERTIFICATE OF SERVICE

I, Sarah E. DiLuzio, hereby certify that on January 23, 2008, I electronically filed a true and correct copy of the foregoing PLAINTIFF'S INITIAL DISCLOSURES with the Clerk of the Court using CM/ECF which will send notification of such filing, which is available for viewing and downloading from CM/ECF, and mailed via first class mail a copy to plaintiff at the following address:

Anna Martina Linnea Tyreus
Womble Carlyle Sandridge Rice
222 Delaware Avenue
Suite 1501
Wilmington, DE 19801

/s/ Sarah E. DiLuzio
Sarah E. DiLuzio (#4085)
POTTER ANDERSON & CORROON LLP
Hercules Plaza, 6th Floor
1313 North Market Street
P.O. Box 951
Wilmington, DE 19899-0951
Telephone: (302) 984-6000
Telefax: (302) 658-1192
E-mail: sdiluzio@potteranderson.com

841204/32346